

NO. 25

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, FEBRUARY 25, 2009
(STATEWIDE SESSION)

Wednesday, February 25, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rep. BRANHAM, as follows:

Our thought for today is from Psalm 103:14: "He knows us inside and out, keeps in mind that we are made of mud."

Let us pray. Our Father, it is frightening and comforting to know that we are known, truly known by You and remembered by You. We are not spending this time in prayer to brag on ourselves or justify ourselves. We are at Your mercy. Thank You for Your steadfast love which is from everlasting to everlasting. We ask You to bless all who serve here. Help us to do the tasks before us with diligence, compassion, and integrity. Hear our prayer, O Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. WILLIAMS moved that when the House adjourns, it adjourn in memory of Anna Taylor Hood of Darlington, which was agreed to.

CONCURRENT RESOLUTION

The following was introduced:

H. 3598 -- Reps. Funderburk, Lucas, Gunn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Gullick, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings,

WEDNESDAY, FEBRUARY 25, 2009

Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND MRS. FRANKYE C. HULL, GUARDIAN AD LITEM FOR KERSHAW COUNTY, FOR HER MANY YEARS OF OUTSTANDING COMMUNITY SERVICE, AND TO CONGRATULATE HER ON BEING NAMED G. F. BETTINESKI CHILD ADVOCATE OF THE YEAR, AN HONOR AWARDED ANNUALLY BY THE NATIONAL COURT APPOINTED SPECIAL ADVOCATE ASSOCIATION.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The following was introduced:

H. 3599 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE LANDING AT BUCKINGHAM OFF FOUNDING ISLAND ROAD IN BEAUFORT COUNTY "WILLIAM F. MARSCHER II MEMORIAL LANDING" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LANDING THAT CONTAIN THE WORDS "WILLIAM F. MARSCHER II MEMORIAL LANDING".

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3600 -- Rep. Gullick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 133 TO TITLE 44 SO AS TO REQUIRE MEDICAL LABORATORIES

WEDNESDAY, FEBRUARY 25, 2009

TO PROVIDE TEST RESULTS TO PATIENTS AT THE SAME TIME THE RESULTS ARE PROVIDED TO THE HEALTHCARE PROVIDER.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3601 -- Reps. Crawford, Bedingfield, Nanney, Duncan, M. A. Pitts, Spires and Stringer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "JERRY'S LAW"; TO AMEND SECTION 16-3-20, AS AMENDED, RELATING TO THE PUNISHMENT FOR MURDER, SO AS TO ADD THE MURDER OF A PERSON SEVENTY YEARS OF AGE OR OLDER UNDER CERTAIN CIRCUMSTANCES TO THE LIST OF STATUTORY AGGRAVATING CIRCUMSTANCES FOR PURPOSES OF THE DEATH PENALTY.

Referred to Committee on Judiciary

H. 3602 -- Reps. Moss, Knight, Anthony, Forrester, Gambrell, Hayes, Jennings, Limehouse, Littlejohn, Merrill, J. M. Neal, Ott and Simrill: A BILL TO AMEND SECTION 59-19-93, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADOPTION OF A PROCUREMENT CODE BY A SCHOOL DISTRICT, SO AS TO PROVIDE THAT A DISTRICT REQUIRED TO ADOPT A PROCUREMENT CODE SHALL GIVE PREFERENCE TO RESIDENT VENDORS OF SOUTH CAROLINA.

Referred to Committee on Ways and Means

H. 3603 -- Reps. Gullick and M. A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-65 SO AS TO PROVIDE A PERSON WHO POLLUTES THE WATERS OF THIS STATE AS DEFINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL GIVE PUBLIC NOTICE OF THE POLLUTION IN A MANNER PRESCRIBED BY THE DEPARTMENT; TO PROVIDE THE BOARD OF THE DEPARTMENT SHALL PRESCRIBE THIS PUBLIC NOTICE PROCEDURE; TO PROVIDE CERTAIN SPECIFICATIONS THE BOARD MUST INCLUDE IN THIS PUBLIC NOTICE PROCEDURE; AND TO PROVIDE A

WEDNESDAY, FEBRUARY 25, 2009

VIOLATION IS A MISDEMEANOR SUBJECT TO A FINE, IMPRISONMENT, OR BOTH.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3604 -- Reps. Mack, Hosey, Alexander, Whipper, Allen, R. L. Brown, Clyburn, Gilliard, Jefferson and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-275 SO AS TO PROVIDE THAT A HIGH SCHOOL STUDENT, SEVENTEEN YEARS OF AGE, BE FURNISHED A VOTER REGISTRATION FORM AND BE INSTRUCTED IN A CLASSROOM ENVIRONMENT OR THROUGH A METHOD APPROVED BY THE LOCAL SCHOOL DISTRICT TO BE APPRISED OF THE IMPORTANCE OF VOTING, TO ALLOW A STUDENT TO OPT OUT OF THE PROCESS, TO REQUIRE A HIGH SCHOOL REGISTRANT BE MAILED A VOTER REGISTRATION CARD BEFORE THE FIRST ELECTION IN WHICH HE IS ELIGIBLE TO VOTE, TO PROVIDE THAT A CITIZEN OTHERWISE INELIGIBLE TO VOTE WHO IS RELEASED FROM INCARCERATION RECEIVE A REGISTRATION FORM WITH A LETTER EXPLAINING THAT HIS VOTING RIGHTS HAVE BEEN RESTORED AND THAT HE IS ELIGIBLE TO REGISTER AND VOTE, AND TO REQUIRE COUNTY ELECTION BOARDS TO REGISTER CITIZENS WHO SWEAR OR AFFIRM THE VOTER DECLARATION WITHOUT ADDITIONAL PROOF.

Referred to Committee on Judiciary

H. 3605 -- Reps. Mack, Hosey, Whipper, R. L. Brown, Clyburn, Gilliard, Jefferson and Williams: A BILL TO AMEND SECTION 7-19-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CANDIDATES FOR ELECTORS OF THE PRESIDENT AND THE VICE PRESIDENT SO AS TO SPECIFY THAT THERE MUST BE EIGHT CANDIDATES, TWO TO BE APPOINTED AT LARGE AND SIX TO BE APPOINTED TO REPRESENT THE SIX CONGRESSIONAL DISTRICTS OF THE STATE; TO REQUIRE THAT THE HIGHEST NUMBER OF VOTES STATEWIDE CONSTITUTES ELECTION OF THE TWO AT-LARGE PRESIDENTIAL ELECTORS FOR THAT PARTY OR PETITION CANDIDATE AND THAT THE HIGHEST NUMBER OF VOTES IN A CONGRESSIONAL DISTRICT CONSTITUTES ELECTION OF

WEDNESDAY, FEBRUARY 25, 2009

THE CONGRESSIONAL DISTRICT PRESIDENTIAL ELECTOR OF THAT PARTY OR PETITION CANDIDATE; AND TO REPEAL SECTION 7-19-80 RELATING TO THE ELECTOR'S DECLARATION OF THE CANDIDATE FOR WHOM HE WILL VOTE.

Referred to Committee on Judiciary

H. 3606 -- Reps. Mack, Whipper, Allen, R. L. Brown, Clyburn, Gilliard, Hosey, Jefferson and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-845 SO AS TO DEFINE A "SHORT STATE BALLOT" AND "SHORT COUNTY BALLOT", TO ALLOW AN ELECTOR TO VOTE FOR CANDIDATES IN ANY PRECINCT IN THE STATE OR IN THE COUNTY IN WHICH HE RESIDES, TO ALLOW A QUALIFIED ELECTOR TO CAST A PROVISIONAL BALLOT IN ANY PRECINCT IN THE COUNTY IN WHICH HE IS REGISTERED, TO PROVIDE A PROCEDURE FOR CASTING THE BALLOT, AND TO PROVIDE HOW THE QUALIFIED ELECTOR MAY CAST THE BALLOT ONLY FOR OFFICES FOR WHICH HE IS QUALIFIED.

Referred to Committee on Judiciary

H. 3607 -- Reps. Mack, Gilliard, Hosey, Alexander, Whipper, Allen, R. L. Brown, Jefferson and Williams: A BILL TO AMEND SECTION 7-13-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POLL MANAGERS AND ASSISTANTS, SO AS DELETE THE REQUIREMENT THAT ONE SIXTEEN- OR SEVENTEEN-YEAR-OLD PERSON MAY BE APPOINTED TO A PRECINCT FOR EVERY TWO REGULAR POLL MANAGERS.

Referred to Committee on Judiciary

H. 3608 -- Reps. Mack, Gilliard, Alexander, Whipper, Allen, R. L. Brown, Clyburn, Jefferson, Miller and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A

WEDNESDAY, FEBRUARY 25, 2009

QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

Referred to Committee on Judiciary

H. 3609 -- Reps. Mack, Hosey, Whipper, Allen, R. L. Brown, Clyburn, Gilliard, Jefferson, Miller and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 5, TITLE 7 SO AS TO CREATE THE ELECTIONS STUDY COMMISSION, TO PROVIDE FOR ITS DUTIES AND RESPONSIBILITIES, TO PROVIDE FOR ITS MEMBERSHIP, TO PROVIDE FOR APPOINTMENT OF ITS MEMBERS AND ELECTION OF ITS CHAIRMAN, TO PROVIDE FOR THE TERMS OF ITS MEMBERS, AND TO REQUIRE THE COMMISSION TO MAKE A REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY WITHIN NINETY DAYS OF EACH GENERAL ELECTION CONTAINING RECOMMENDATIONS TO IMPROVE CITIZEN-INFORMED PARTICIPATION IN THE ELECTORAL PROCESS.

Referred to Committee on Judiciary

H. 3610 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 11-11-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATE APPROPRIATIONS IN ANY FISCAL YEAR BEING SUBJECT TO A SPECIFIED SPENDING LIMITATION, SO AS TO PROVIDE THAT BEGINNING JULY 1, 2010, STATE GENERAL FUND APPROPRIATIONS AS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT COMBINED WITH ANY OTHER GENERAL FUND APPROPRIATIONS IN SUPPLEMENTAL OR OTHER APPROPRIATIONS ACTS FOR THE FISCAL YEAR MAY NOT EXCEED IN THE AGGREGATE THE STATE GENERAL FUND REVENUE COLLECTIONS FROM THE PREVIOUS FISCAL YEAR.

Referred to Committee on Ways and Means

H. 3614 -- Rep. Harrell: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI, CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO

WEDNESDAY, FEBRUARY 25, 2009

DELETE THE ADJUTANT GENERAL, COMMISSIONER OF AGRICULTURE, SECRETARY OF STATE, AND SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT UPON THE EXPIRATION OF THE TERMS OF THESE OFFICERS SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, THEY MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, TO SERVE AT HIS PLEASURE AND TO BE REMOVABLE BY HIM FOR ANY REASON; PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, SO AS TO UPDATE REFERENCES TO HIS TITLE AND MILITARY RANK, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, HE MUST BE APPOINTED BY THE GOVERNOR IN THE MANNER REQUIRED BY SECTION 7, ARTICLE VI; AND PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR BEGINNING WITH THE GENERAL ELECTION OF 2014.

Referred to Committee on Judiciary

H. 3615 -- Reps. Sandifer, Parks and King: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED,

[HJ]

WEDNESDAY, FEBRUARY 25, 2009

RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

Referred to Committee on Labor, Commerce and Industry

H. 3616 -- Rep. Simrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

On motion of Rep. SIMRILL, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

S. 98 -- Senator Land: A BILL TO AMEND SECTION 50-21-120 OF THE 1976 CODE, RELATING TO THE DUTY OF THE OWNER OF A BOAT LIVERY, TO REMOVE THE PROVISIONS MANDATING THE OWNER'S LIABILITY FOR NEGLIGENT OPERATION OF A VESSEL.

Referred to Committee on Judiciary

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS

WEDNESDAY, FEBRUARY 25, 2009

OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

Referred to Committee on Labor, Commerce and Industry

HOUSE RESOLUTION

The following was introduced:

H. 3611 -- Reps. J. H. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings,

[HJ]

WEDNESDAY, FEBRUARY 25, 2009

Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR HER EXCELLENCY MRS. OLUWATOYIN SARA KI, FIRST LADY OF KWARA STATE IN THE FEDERAL REPUBLIC OF NIGERIA, FOR HER EXTENSIVE HUMANITARIAN WORK, AND TO WELCOME HER TO SOUTH CAROLINA AS SHE VISITS THE BENEDICT COLLEGE INTERNATIONAL STUDIES PROGRAM IN COLUMBIA ON FEBRUARY 25, 2009.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3612 -- Reps. J. H. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR HER EXCELLENCY HAJIYA TURAI UMARU YAR'ADUA, FIRST LADY OF THE FEDERAL REPUBLIC OF

WEDNESDAY, FEBRUARY 25, 2009

NIGERIA, FOR HER EXTENSIVE HUMANITARIAN WORK IN HER NATION, AND TO WELCOME HER TO SOUTH CAROLINA AS SHE VISITS THE BENEDICT COLLEGE INTERNATIONAL STUDIES PROGRAM IN COLUMBIA ON FEBRUARY 25, 2009.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3613 -- Rep. Bannister: A CONCURRENT RESOLUTION TO URGE THE PROMOTION OF THE SPORT OF CURLING AS AN OFFICIAL WINTER OLYMPIC SPORT OF SOUTH CAROLINA AND TO APPOINT REPRESENTATIVES OF THE STATE TO INVESTIGATE THE DESIGNATION OF CURLING AS AN OFFICIAL WINTER OLYMPIC SPORT OF SOUTH CAROLINA.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Edge
Erickson	Forrester	Funderburk
Gambrell	Gilliard	Gullick
Gunn	Haley	Hamilton
Hardwick	Harrell	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Huggins

WEDNESDAY, FEBRUARY 25, 2009

Hutto	Jefferson	Jennings
Kennedy	King	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	McEachern	Merrill
Millwood	Moss	Nanney
J. H. Neal	J. M. Neal	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stewart
Stringer	Thompson	Toole
Umphlett	Vick	Weeks
White	Williams	Wylie
A. D. Young	T. R. Young	

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, February 25.

Boyd Brown	Marion Frye
Chris Hart	Walton McLeod
Vida Miller	Harold Mitchell
Denny Neilson	Thad Viers
Jackson "Seth" Whipper	William R. "Bill" Whitmire
Todd Rutherford	James Harrison
Jerry Govan	

Total Present--120

LEAVE OF ABSENCE

The SPEAKER granted Rep. WILLIS a leave of absence for the day.

DOCTOR OF THE DAY

Announcement was made that Dr. Stanley Baker of Greenwood was the Doctor of the Day for the General Assembly.

WEDNESDAY, FEBRUARY 25, 2009

SPECIAL PRESENTATION

Reps. JENNINGS and HAYES presented to the House the Dillon High School "Wildcats" Varsity Football Team, the 2008 AA Champions, their coaches and other school officials.

CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3018
Date: ADD:
02/25/09 BALES

CO-SPONSOR ADDED

Bill Number: H. 3164
Date: ADD:
02/25/09 CATO

CO-SPONSORS ADDED

Bill Number: H. 3179
Date: ADD:
02/25/09 HARDWICK and CLEMMONS

CO-SPONSOR ADDED

Bill Number: H. 3270
Date: ADD:
02/25/09 WEEKS

WEDNESDAY, FEBRUARY 25, 2009

CO-SPONSOR ADDED

Bill Number: H. 3455
Date: ADD:
02/25/09 JENNINGS

CO-SPONSORS ADDED

Bill Number: H. 3491
Date: ADD:
02/25/09 CATO and J. E. SMITH

CO-SPONSOR ADDED

Bill Number: H. 3509
Date: ADD:
02/25/09 CATO

CO-SPONSORS ADDED

Bill Number: H. 3526
Date: ADD:
02/25/09 UMPHLETT and CATO

RECORD FOR VOTING

I was out of the Chamber yesterday, February 25, 2009, to attend Mrs. Sue Kirsh's visitation in York County, when the House passed H. 3245. If I had been present, I would have voted in favor of the Bill.

Rep. Brian White

SENT TO THE SENATE

The following Bill and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 3575 -- Reps. Hearn, Barfield, Hardwick, Clemmons, Edge and Viers: A BILL TO AMEND ACT 287 OF 1989, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HORRY COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT THE TERM OF OFFICE OF A NEWLY ELECTED MEMBER OF THE HORRY COUNTY BOARD OF EDUCATION MUST COMMENCE UPON THE DATE OF THE FIRST MEETING OF THE BOARD IN JANUARY FOLLOWING THE NOVEMBER ELECTION.

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED

WEDNESDAY, FEBRUARY 25, 2009

ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

JOINT ASSEMBLY

At 11:00 a.m. the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

The Reading Clerk of the House read the following Concurrent Resolution:

S. 472 -- Senator McConnell: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 11:00 A.M. ON WEDNESDAY, FEBRUARY 25, 2009.

Chief Justice Toal and her distinguished party were escorted to the rostrum by Senators Knotts, Alexander, Reese, Thomas and Jackson and REPRESENTATIVES BANNISTER, SELLERS, T. R. YOUNG, JENNINGS and HORNE.

**ADDRESS OF THE HONORABLE JEAN HOEFER TOAL
CHIEF JUSTICE OF SOUTH CAROLINA**

“Mr. Speaker, Governor, Lieutenant Governor, President Pro Tempore, Speaker Pro Tempore, Members of the Joint Assembly. I come with very mixed emotions this morning, as I know many of you do, and I will try to attenuate my remarks so that we all may join our beloved Herb Kirsh as we memorialize the wonderful life of Sue Kirsh. She was as dear a friend as I had when I served here. She loved two things more than life itself – one is her beloved Herb Kirsh and the other is the State of South Carolina. I know we will all want to be of

WEDNESDAY, FEBRUARY 25, 2009

comfort to Herb and the family today. So I will try to get right to it. We have memorials of our own today. Frances Smith was an old-fashioned gal with very modern views about the court system. She is the first woman to serve as Clerk of the Supreme Court. We lost her this past week. Mrs. Smith was a proud graduate of the University of South Carolina. Unlike many very sedate members of her generation, when you called her telephone, way before answering machines and fancy devices would do this for you, she would scream into the phone a “cock-a -doodle-do” for her Gamecocks. She had a lot to do with the modernization that continues to this day of how we operate courts of South Carolina. When she was here, she was it – she was the administrator of everything. We also memorialize Jim Johnson, a life cut short, who was one of the finest trial judges that ever will serve in South Carolina. You are replacing him this year, but he will never be able to be replaced in our hearts. I also want to mention at this time, my own law clerk, Katie Bockman, daughter of the well-known professor at the University of South Carolina and practicing lawyer, Bob Bockman. Katie worked here in these Chambers as a law clerk before she came to me. In a terrible accident that was not her fault, she lost her life, right as she began her legal career.

We welcome new members of the Court of Appeals, John Geathers and James Lockemy, both already making a wonderful impact on the work of this very important court. We, with a lot of mixed feelings bid adieu to our wonderful senior member of our court, John H. Waller. Johnny Waller has done it all. He has been a practicing judge, a distinguished practicing attorney, a Member of this body, and a Member of the South Carolina Senate. He served in every level of government and brought much wisdom to us as we have been delighted to serve with him as our brother. I am hoping that after some respite and attention to the affairs of his children, whom he loves dearly, that he will come and return in his retirement to help us if he can and share his considerable wisdom with ensuing generations of South Carolina judges and lawyers. We also lost to retirement at the end of last year and you have replaced him this year – Appeals Court Judge Ralph King Anderson. What a dynamic tale of service to South Carolina Judge Anderson has brought. He and I served in this Chamber for many years together. He was also a very inventive and vigorous practicing attorney, but his real mark on the profession was as a trial court judge and then as a member of the Court of Appeals. He has still got a lot of work left in him and enthusiasm about the business of law. He has agreed to take over a specialized docket in Florence, which he is

WEDNESDAY, FEBRUARY 25, 2009

managing right now, helping to relieve the backlog on the criminal justice side of the equation in his circuit. He is a wonderful public servant and a guy who continues to give us a lot of help as an active judge in retirement. Other retirees who will be active in retirement include Jimmy Williams. He says "Jean, I didn't take a breath before you started to assign me all over the place." He is doing a great job with the criminal docket in Orangeburg. John Milling is in private practice, Buddy Nicholson will continue to serve, and we hope Choppy Patterson will as well. On the Family Bench, Barry Knobel, Tim Brown, and James Spruill are three very experienced judges. You all have done a beautiful job with their replacements who are Ed Dickson, Bubba Griffith, Bill Seals, Jeff Young, Alex Kinlaw, Edgar Long and Titia Verdin. They are all wonderful selections and if they aren't proof positive that our system works, I would invite the attention of anyone in this nation to meet these very first class judges, who you have selected.

Now, for a picture of where we stand in terms of how you fund your judicial system. These are hard times, but I don't bring you a message of complaint. I think there is a lot of hope in where we are now, but I want to be realistic with you and tell you where we are now. This slide will show you that when I came to be your Chief in the year 2000-2001, it cost about 46.5 million dollars to run the court system and almost all of it was provided by General Appropriations money. If you look down this chart to the fiscal year in which we are now operating, it costs 60 million dollars just about, to run the department. General appropriations money as I started the fiscal year only accounted for 38.7 million dollars of that fund. All of the rest of it is made up by fines and fees and this next chart shows you what that means in real terms. We started with 38 million dollars in General Appropriations money – the money you put in the General Appropriations Bill. We have received almost 9 million dollars in direct cuts plus the termination of our one-time money. So, we started the year with 29 million dollars in General Appropriations money. We get 15 million dollars from fines and fees that have been developed over the years. I don't like that way of funding the system and have talked to you about it before, but there just isn't anything else to do. Don't feel like you're doing something that is unusual. All across the country, state courts are increasingly depending on fines and fees as a significant part of their revenue because your resources are very strapped, in South Carolina, in particular. We continue to get every year 5.5 million dollars in federal funds and that is what I have used to deploy the State Case

WEDNESDAY, FEBRUARY 25, 2009

Management System. You can see the total funds I have available to operate the system – 50 million dollars and it costs 60 million dollars to run the system. That is a nine million dollar deficit, when you take the cuts and the supplemental one-time money and put them together.

What are we doing to address this crisis? We are reducing judge's travel, we are restricting travel for court reporters and law clerks, we are authorizing clerks of court to keep open court sometimes on a skeleton basis if they have local furlough days. Counties are now trying to cut money by having local furlough days. I told them you have got to keep the courts open to at least receive filings and have citizens be able to access records. I can cut court on some of these days. You can have a skeleton staff. You save money and I save money. We are trying that. We have a hiring freeze. I have cut in half the monthly reimbursements for office allowances for judges. Frankly, I did that in recognition of the fact that you are considering some reductions in your own reimbursements, so we have taken that step. At the end of this fiscal year, advance sheets will no longer be available in printing. I would have stopped it now because it is a significant amount of money, but State Printing does the work and their budget depends on receiving that, so it is not a net savings to you as you go into the budget. At the end of this fiscal year I am not asking for any further funds for printing. It will all be available online and that is where it will be accessed.

I understand that the things I have asked for, for years, additional circuit court judges and family court judges, judicial travel and even the money for court technology, is not money that can be brought to the system at this time, given the financial crisis. What other ways are we trying to revamp the way that we do business to try to solve this problem? Let me show you a slide that will show you what our circuit case load is like. We continue to be the highest in filings per judge of any state in the country. That is, we process more cases with less judges on the bench than any other state in the country. We also have a very tough record on domestic violence. Our child abuse and neglect filings are spiraling as are our *pro se* and self-representatives increase. It is a very difficult picture in which to have so few judges available. How are we disposing cases? This caseload slide shows you that our criminal case load for the last three years continues to go upward, but our pending cases are also increasing. I will tell you in a minute what I have done with the solicitors to try to reengineer the way they call cases, because that is part of what it is going to take to reduce this backlog in General Sessions Court. In Common Pleas, that is your civil side of the docket, our filings are going way up and I can anticipate

WEDNESDAY, FEBRUARY 25, 2009

with foreclosures and everything, these are going to spiral up and our disposition rate is now falling behind. There is a benchmark for cases of 180 days. That is a national benchmark developed by decisions of the United States Supreme Court that says that your benchmark for disposition ought to be 180 days. Now realize that this is an average and in some cases it would take a lot longer and in other cases, a lot less. I have no circuits that are hitting that benchmark in General Sessions Criminal Court. I only have one circuit that is hitting that benchmark in Common Pleas and only two in Family Court, out of the 16 circuits we have in South Carolina. Something has got to give on that figure. I am not satisfied with that and I know you aren't either. So, here are some of the things that we doing to try to improve the efficiency with which we operate, specialized docket management is a part of it.

Solicitors' Differentiated Case Management is a fancy term for trying to get the solicitors to come up with a system that they use all the time and it is standardized about the way they handle their cases. This means that when a case comes in, from the time the arrest warrant is issued, and the time the attorney is appointed, you should have deadlines just like you would have in your private business. If you have a project you are working on, you don't say, well here is the project, in eight months I hope it is completed. You have benchmarks and deadlines that have to be met to move that project along. The same ought to be true for criminal cases. The solicitors control the docket in South Carolina. We are the only state in the union where that is done, but they can control the docket and run it in a decent way, if they adhere to some kind of business management plan for how they do it. They have all signed an order with me agreeing to manage with deadlines. This means for a death penalty case obviously, your time frames would be different than they would be for running from a blue light. Each case would have a deadline on when the attorney is appointed, when the discovery information is given to the defendant, when an offer of a plea is made, if one is going to be made, when motions are heard and appearances are made, when the attorney has the opportunity to accept or reject the plea offer, and when the case is scheduled for trial. That is the only way we are going to start managing this docket. When it is not managed that way, a lot of people sit in jails, your counties scream about that because these people are their jails, on the county's nickel, being housed until those cases come up for trial. Frankly, it is not enough now to have people stay in jail until the solicitor decides that they have served enough time and then bring

WEDNESDAY, FEBRUARY 25, 2009

them up for trial and plead them for time served. That is a way of managing weaker cases, but the real way to manage is to look at them and be realistic about how to go forward with a case, what kind of plea offer to make, and how to dispose of the cases. We have got to start doing that.

Business Courts is another device for taking sophisticated business disputes, those that are business to business. A lot of them involve intellectual property, ownership issues, and funding issues and need to be put in a special docket that is managed beginning to end. I am experimenting with that in Richland, Greenville, and Charleston. The business community is very encouraging about that. It sends a message to business that it is going to locate in South Carolina, that if you have that kind of dispute, it will be managed and not just linger on a trial docket and never be moved forward.

We are using a lot of alternate dispute resolutions. That is increasingly becoming the way to resolve a lot of cases and it is a good thing. Defense, as well as plaintiff, and Civil cases like that way of resolving disputes and frankly, the bigger cases are now being resolved in that way rather than going to trial. That moves them out of the docket. We are strongly encouraging that and I am trying to use my case management system to develop data on how much that instrument is used so as to be able to tell you more realistically - do I need more judges or can I reengineer this system and use other kinds of processes to push our dockets along? We are going to find that answer out.

Alternate Dispute Resolution is one factor. We are going to get a lot more condemnation cases, if additional money comes to the State of South Carolina for bridge and highway construction. When those cases pend, as for example in Horry County when they built the new flyover to the beach, you can jam up a docket with 150 or 250 condemnation cases and nothing else moves. When that happened in Horry County, I got Ed Cottingham, a retired judge, who has got a lot of good mileage left in him and is very enthusiastic, to manage the whole condemnation docket in Horry County. We didn't end up trying but 5 of those cases and all 150 plus were resolved. Again, this is a creative use of ways of managing cases to move them through the docket.

Construction Cases are another example. We are experimenting in Horry, Charleston, and Beaufort where they have got a lot of stucco cases and probably are going to get a lot more construction cases. Bad times give rise to more of those cases. Those cases end up settling on the courthouse steps a lot of times, but getting there is miserable. If you don't keep a judge behind the lawyers, sometimes these cases will

WEDNESDAY, FEBRUARY 25, 2009

involve multiple parties, sometimes 10 or 15 parties to an action, and multiple lawyers. If you don't keep that case managed it just drags out forever. Cliff Newman has agreed for a year to manage the construction case dockets in those counties. That is going to be another way, if it works, that we will use to try to start pulling out cases that can be managed in a different way and moving them forward.

'Access to Justice' for the working poor is going to be a big issue in South Carolina. *Pro se* filings or self-represented filings are up considerably in South Carolina and many people who cannot qualify for legal aid, because they don't have that depressed income level, need a lawyer and can't afford one. How can we make it easier to access the court system? How can we develop forms, how can we develop policies, that don't put the clerks of court or the judges in the business of representing these litigants, but give the litigants a fair ability to take simple disputes and resolve them without the need for a lawyer? That is what the Access to Justice Commission is looking at strongly and I have got some great people from business, from the legal services community, from the private bar, and from public service, who are working on this issue.

Other new initiatives include new guidelines for real estate closings. The subprime market illustrates all the more in my view the wisdom in South Carolina of having lawyer directed closings, but there is a big issue now about unauthorized practice of law and what other para-professionals can do. I know that issue is before some of your committees at the present time. I ask for a task force to look at this issue and say what are the guidelines, what is the lawyer's role, what are other professionals' roles in the process and I hope that we will be able to bring forth some guidelines. They won't be set in stone, they won't be mandated, but they will be some help to those who engage in closings and what needs to be done to protect the consumer.

We also are looking at proposed amendments to court rules in the area of evidence, civil procedure, and criminal procedure. Particularly in the evidence area, there has been concern expressed in this body about scientific evidence and expert witnesses. We have held a hearing on this very issue and hope to be able to help your two Judiciary Committees navigate this difficult issue, particularly as it impacts product liability and medical malpractice cases. Stay tuned, we hope to be able to have something to you this year on that issue.

The Access to Justice Commission is hard at work. We had eight regional hearings to discuss with real live citizens what the barriers to being able to access the court system are and work groups have now

WEDNESDAY, FEBRUARY 25, 2009

been established on self-represented litigants that I explained to you as well as some other areas that impact how people can represent themselves in court. That also involves training the judges as to how to respect and facilitate the appearance in court of self-represented people, developing a civil divorce package so that if your divorce does not involve property or custody and involves simple no fault grounds, you have got a package you can use rather than having to engage counsel to get your divorce settled. That has been approved by the various levels of our system that have to look at that and will be on the web shortly.

We are reviewing the appointment of South Carolina lawyers to represent people on a mandatory basis without fee. I don't like having to do that, but the United States Supreme Court requires that not just in criminal matters that would involve incarceration, but also in child abuse and neglect, termination of parental rights, and other things, that defendants are entitled to a lawyer. If you can't afford one, the question is who bears that burden. Right now South Carolina lawyers, by order of the court, are bearing a lot of that burden. I want to see that picture change. I don't think it can change by simply fussing about it or even threatening as some have done. I think it has got to be a partnership between this body and the Bar and hopefully the court system as well. I have asked 'Access to Justice' to take a good hard look at what would be some suggestions in this area. We hope to be able to present those to you this year.

Thank you so much for at the end of the session approving the Sentencing Commission legislation. The Sentencing Commission has been set up. It is having another meeting tomorrow. We are hopeful of getting funding from the PEW Charitable Trust to underwrite this very important effort that addresses consistency in sentencing, lengthy sentencing for violent offenders, but alternatives to incarceration for non-violent standards for parole, bond standards for re-offenders, and the economic impact of our sentencing system. That and more are on the plate of this commission. I think it is very important work. It has a lot of financial implications for what you do with the corrections systems and it has a lot of financial implications for what our work force is about. We don't need to have a huge divide between an immense subclass of our population that is housed in penitentiaries for years and years at a time. We need to look at this situation and see what we really are doing societally to protect against the violent, but at the same time try to move our society along in such a way that those who can do something else with their lives rather than sit in the penitentiary, can be productive citizens, can be helped to achieve those goals.

WEDNESDAY, FEBRUARY 25, 2009

Technology update, as you know, has been a signature issue of my administration as your Chief and the biggest way I have tried to reengineer the system to be more effective. It is funded almost entirely with congressionally mandated award money, but unlike some earmarked programs that fund a couple of gas masks that end up on somebody's shelf forever, this system is a model for the nation. The Department of Justice came to audit us this December and wants to showcase our internet based system to show how a small rural state can use an internet based system that the state owns and runs and puts money back into, from fees that counties spend for the system and how that system can be replicated in other states. We probably receive eight calls a week from area states asking to come and look at this system. I will venture to say without a fair contradiction that there is no other deployment of any automated system in any place in state government that has proceeded as successfully as this one. I say that with all lack of modesty. It is the result of can-do people at the county level. We started from the grassroots in magistrate's offices and in clerks of courts offices and in the poorest counties in the State with the notion of what we can do to empower them with the little resources they have. We have wired poor counties, we supplied them with computers, we supplied them with the software system that we own and that the clerks of court and the judges and lawyers help us update. We provide 24-7 support for this system and it really is a wonderful success story for many counties that limped along on their own with a vendor driven system that they couldn't control and simply spent a lot of money on that they never saw the return for. That system is now 71 percent deployed in South Carolina. The gold counties are the deployed counties. The green are the ones we are in actively now and the next online are the blue. Last year, I reported to you that this system was 47 percent deployed. It is now 71 percent deployed. By the end of this year it will be 81 percent deployed. I hoped to have the system completely deployed by the year 2010. That is an immense success story for the people of South Carolina.

I told you about the solicitors and the need to have them manage their system. So here is the status of their system. They came to me when I wanted differentiated case management and said we don't have the software to manage this, we don't have the tools, and we are short of funds to be able to get a system that would run all of our offices. I said I would go get a federal grant for that. You develop a system, I'll get a grant, we'll put it out to get a vendor and move forward. We've done that. The gold counties are those in which that system is now

WEDNESDAY, FEBRUARY 25, 2009

deployed and the green are the ones who signed contracts and in which deployment is taking place now. By the end of 2010, and maybe a little earlier than that, every solicitor's office in the State will manage their General Sessions and Magistrates docket on this case management system, which integrates and interacts and interfaces with our system. The big thing that I am adding to it that we just signed contracts for, is to develop an interface with SLED, so that judges, prosecutors, and anybody else who needs it, will get up-to-date real time information about rap sheets. When you have a defendant that is ready to be sentenced for a particular matter or when you have a juror you are trying to check out to see if they have got a conviction and ought not to be allowed to serve, or you're trying to check out a witness to see what kind of background the witness may have, it is very onerous to try to access that database at SLED and NCIC – the way we do it now. We are in the modern computer age, why can't we have an interface with our court case management system and with our solicitor's system that does that live real-time that gives you exact up-to-date information.

That is what we are going to have by September. I venture to say this will give better access to not only prosecutors and law enforcement, but also to public defenders and everyone else, the ability to be able to truly manage with accuracy, the multiple offenders who jump from county to county and fall through the cracks. You will have an accurate piece of information in front of you when you go to sentence these folks.

For the good of the order I've just got to take a minute to thank everyone on behalf of the court system in South Carolina, for the House Law Enforcement Criminal Justice subcommittee. Annette Young is the longtime Chair. Gary Simrill has been a member for many years and is joined this year by Representative Joe Neal. The Senate is now called the Senate Constitutional and Administrative subcommittee. Longtime Chair is Dave Thomas and John Land and Greg Ryberg have been members of this subcommittee for many years. I can't thank you enough for the understanding reception you have given us when we have explained where we are and what we are doing. We are trying to reengineer to cut the costs. We have saved a little money in carryovers every year. I have been cheap and we are using some of that, but not all of it. We try to make it through these tough times. But when we present our technology systems to the State Bar Convention, Senator Graham was there and this is what he said; "The technology and reengineering efforts of South Carolina's Judicial Department are a model for other jurisdictions across the nation. They

WEDNESDAY, FEBRUARY 25, 2009

are innovative, yet practical. Improve operations today and establish a basis for the future.” That is a pretty good endorsement of what we are doing.

I end with this. I always have a reminder of my grandson, Patrick, to close any speech I make. Most particularly when I come home to the place I started in state government, in this very Chamber. I am very optimistic about our court system and our state government. South Carolina has made it through a lot harder times than the times we are going through today. It is going to take decency and compassion and cooperation on the part of all of us to move forward and to be imaginative about what we do with the resources we have. I still say this Joint Assembly is an example to the nation of what it can be like to work in concert and what it can be like if concerns of ideology move aside for a moment and concerns for real people move to the fore. That is what I’ve heard in every committee I have been to when I talked about what we are trying to do as a court at this time. So, don’t let anybody sell you on the idea that what we do as a General Assembly has to be driven by any other consideration than the progress we can make for the citizens of this State. I am confident because I know them well. The leadership of these two bodies and every member is devoted to that goal. On behalf of the many you don’t hear, whose faces you never see, and on behalf of the very youngest, like my Patrick, continue the good work and the good effort for the progress of South Carolina. Godspeed.”

Upon conclusion of her address, Chief Justice Toal and her escort party retired from the Chamber.

JOINT ASSEMBLY RECEDES

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

THE HOUSE RESUMES

At 11:37 a.m. the House resumed, the SPEAKER in the Chair.

WEDNESDAY, FEBRUARY 25, 2009

Rep. SOTTILE moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 11:41 a.m. the House, in accordance with the motion of Rep. WILLIAMS, adjourned in memory of Anna Taylor Hood of Darlington, to meet at 10:00 a.m. tomorrow.

WEDNESDAY, FEBRUARY 25, 2009

H. 3018	13	H. 3604	4
H. 3164	13	H. 3605	4
H. 3179	13	H. 3606	5
H. 3245	14	H. 3607	5
H. 3270	13	H. 3608	5
H. 3455	14	H. 3609	6
H. 3491	14	H. 3610	6
H. 3509	14	H. 3611	9
H. 3526	14	H. 3612	10
H. 3575	14	H. 3613	11
H. 3583	14	H. 3614	6
H. 3598	1	H. 3615	7
H. 3599	2	H. 3616	8
H. 3600	2		
H. 3601	3	S. 98	8
H. 3602	3	S. 184	8
H. 3603	3	S. 472	15